



RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Jeffery A. Westendorp

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) 3/16/2006

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Joint Research Agreement

☐ Government Interest Assignment

☐ Executive Order 9424, Confirmatory License

☐ Other

2. Name and address of receiving party(ies)

Name: Walters Gardens, Inc

Internal Address:

Street Address: 1992-96th Avenue

P.O. Box 137

City: Zeeland

State: MI

Country: USA

Zip: 49464-0137

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/849,720

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Clarence H. Falstad

Internal Address: Walters Gardens, Inc

Street Address: 1992-96th Avenue

P.O. Box 137

City: Zeeland

State: MI Zip: 49464-0137

Phone Number: 616-772-4697

Fax Number: 616-772-5803

Email Address: chf@waltersgardens.com

6. Total number of applications and patents involved: one

7. Total fee (37 CFR 1.21(h) & 3.41) \$40.00

☐ Authorized to be charged by credit card

☐ Authorized to be charged to deposit account

☒ Enclosed

☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature:

Clarence H. Falstad

Signature

Clarence H. Falstad, III

Name of Person Signing

3/22/06

Date

Total number of pages including cover sheet, attachments, and documents:

ASSIGNMENT

WHEREAS, Jeffery A. Westendorp, residing at 694 Marylane Drive Holland, MI 49423 USA, (hereinafter referred to as Assignor) has discovered the subject matter disclosed in the United States Plant Patent Application # 10,849,720, File Date 05/20/2004, entitled HOSTA PLANT NAMED 'INDEPENDENCE'".

WHEREAS, Walters Gardens, Inc., a corporation of Michigan, USA, having a place of business at 1992 – 96th Avenue, Zeeland, MI 49464-0137 (hereinafter referred to as Assignee) is desirous of acquiring the entire right, title and interest in and to any invention arising from said plant, and to any Letters Patent that may be granted therefore in the United States and in any and all foreign countries.

WHEREAS, Jeffery A. Westendorp discovered the said plant while an employee of the said Assignee, and employment policy requires any discovery made as an employee to be assigned to Assignee.

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable considerations, Assignor hereby sells, assigns, and transfers unto said Assignee the full and exclusive right, title and interest to any inventions arising from the disclosed subject matter in the United States and in any and all foreign countries and to any Letters Patent or Breeders' Rights that may be granted therefore in the United States and in any and all foreign countries and in and to any and all divisions, reissues, continuations, continuations-in-part, and all subsequently filed applications claiming priority thereon, as well as extensions thereof including full right to claim for any such application the benefits of the International Convention.

ASSIGNOR hereby authorizes and requests the United States Patent Office Officials and any and all foreign countries to issue any and all of said Letters Patent or

Breeders' Rights when granted, to said Assignee as the owner of the entire right, title and interest in and to the same, for the sole use and benefit of said Assignee, its successors and assigns.

FURTHER, Assignor agrees to communicate to said Assignee or its representatives any facts known to Assignor regarding said subject matter, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, continuation-in-part, substitution, renewal, and reissue applications, as well as all subsequently filed applications claiming priority thereon, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said Assignee, make all rightful oaths and generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper protection for any Patent and Breeders' Rights arising from said disclosed subject matter in the United States and any and all foreign countries.

IN TESTIMONY WHEREOF, to this and the previous page, I have hereunto set my hand on the date indicated below.



Jeffery A. Westendorp

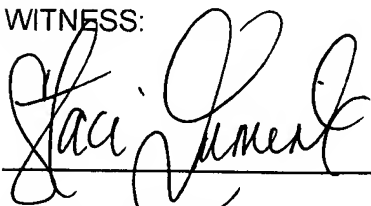
694 Marylane Drive

Holland, MI 49423 USA

3-16-2006

Date

WITNESS:



Name: Staci L. Immink

3/16/06

Date

Address: Walters Gardens, Inc., 1992 96th Avenue, Zeeland, MI 49464



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No./Control No.: 10/849,720 Filed/Issue Date: 05/20/2004

Entitled: HOSTA PLANT NAMED 'INDEPENDENCE'

Walters Gardens, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Clarence H. Falstad, III

Signature

Clarence H. Falstad, III

Printed or Typed Name

LABORATORY DIRECTOR

Title

3/22/06

Date

616-772-4697

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.